



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

December 13, 2001

4APT-APB

Howard L. Rhodes, Director
Department of Environmental Protection
Division of Air Resources Management
Mail Station 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Rhodes:

The purpose of this letter is to notify the Florida Department of Environmental Protection (FDEP) that the United States Environmental Protection Agency (EPA) formally objects to the issuance of the proposed Title V operating permit for Fiber Unlimited, located in Orange County, Florida. The permit was received by EPA via e-mail notification and FDEP's web site, on October 31, 2001. This letter also provides our general comments on the proposed permit.

Based on EPA's review of the proposed permit and the supporting information received for this facility, EPA objects, under the authority of Section 505(b) of the Clean Air Act (the Act) and 40 Code of Federal Regulations (CFR) 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the proposed Title V permit for this facility. The basis for EPA's objection is that the permit incorrectly identifies federally-enforceable conditions as "not federally-enforceable," and fails to adequately establish practically enforceable emissions limitations for the facility. Pursuant to 40 CFR 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 CFR Part 70 and assure compliance with applicable requirements of the Act. The enclosure also contains general comments applicable to the permit.

EPA is required to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if the permit is not in compliance with the applicable requirements under the Act or the requirements of 40 CFR Part 70. Section 70.8(c)(4) of the Title V regulations and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA, and EPA will act accordingly. Because the objection issues must be fully addressed within the 90 days, we suggest that the revised permit be submitted in advance in order that any outstanding issues may be resolved prior to the expiration of the 90-day period.

If you have any questions or wish to discuss this further, please contact Mr. Gregg M. Worley, Chief of the Air Permits Section, at (404) 562-9141. Should your staff need additional information, they may contact Ms. Gracy R. Danois, Florida Title V Contact, at (404) 562-9119 or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,

/s/

Winston A. Smith
Director
Air, Pesticides and Toxics
Management Division

Enclosure

cc: Ms. Olga Romay, Fiber Unlimited
Mr. Scott Sheplak, P.E., FDEP (via e-mail)
Mr. L T. Kozlov, P.E., FDEP Central District (via e:mail)

Enclosure

U.S. EPA Region 4 Objection Proposed Part 70 Operating Permit Fiber Unlimited Permit no. 0950278-003-AV

I EPA Objection Issues

1. *Federally Enforceable Requirements* - Section II, conditions 6 and 7, consist of control and work practice standards for Volatile Organic Compounds (VOCs) and particulate matter, respectively. These conditions are labeled as “not federally-enforceable.” However, these conditions are federally enforceable because they are contained in the federally approved portion of the Florida State Implementation Plan (SIP). Therefore, the permit must be changed to reflect that these conditions are federally enforceable.
2. *Practical Enforceability* - Condition A.2 indicates that an Unsaturated Polyester Resin and a Gel Coat are permitted to be used at the facility, and states that the maximum allowable utilization rates of these materials per consecutive 12 months are, 515,000 pounds (lbs) and 85,000 lbs respectively. Condition A.2 also includes an emission factor of 0.07 for the Unsaturated Polyester Resin and 0.13 for the Gel Coat. However, there are no units associated with these emission factors making it hard to determine exactly what the emission factors are supposed to represent.

Since the permit only limits the quantities of materials used, and does not contain a limit for the emission of any pollutant, it appears that the intent of each emission factor is to relate the quantity of material used to the quantity of a regulated pollutant that will be emitted. This relationship between the material usage limit and the emission of Hazardous Air Pollutants (HAPs), would also limit the emissions of HAPs for the facility. However, the lack of a clear definition of the units for these emission factors, and the fact that the permit fails to indicate the pollutant(s) of concern, render these emission factors meaningless. The result is that the condition is unenforceable. Therefore, condition A.2 must be revised to include the appropriate units for each respective emission factor. Further, since the permit does not otherwise restrict the emissions of HAPs from the facility, the permit must contain a condition that will define the HAP emission limits.

II General Comments

1. General Comment: Please note that Environmental Protection Agency (EPA) reserves the right to enforce any noncompliance, including any noncompliance related issues that have not been specifically raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.

2. Facility-Wide Condition, # 10 - This condition indicates that submittals of reports, data, notifications, certifications, requests, or other correspondence that are required to be sent to the EPA, should be directed to the EPA, Region 4 Air Enforcement Section. However, this condition lists an incorrect telephone number, and an incorrect facsimile number for the Air Enforcement Section. The correct telephone number for contacting the Air Enforcement Section is (404) 562-9155, and the correct facsimile number is (404)562-9164. Please make the appropriate changes in the permit.
3. *Facility-Wide Condition, # 12* - The permit does not properly address the federal requirement for all Title V sources to submit a Title V compliance certification to EPA. Both 40 Code of Federal Regulations (CFR) 70.6(c)(5) and 62-213.440(3)(a)2., Florida Administrative Code (FAC), mandate that Title V permits contain provisions requiring sources to submit an annual statement of compliance with all terms and conditions of the permit. Furthermore, 40 CFR 70.6 (c)(5)(iii) lists the required elements of a Title V compliance certification, and 62-213.440(3)(a).3., FAC mandates that each statement of compliance include those elements.

In this case, a list of the required elements from 40 CFR Part 70.6 (c)(5)(iii), are contained at Appendix TV-3 (Title V Conditions). However, the permit itself does not clearly reference the requirements in the appendix. While it is sufficient to include these requirements in an appendix to the permit, the permit must still include a condition that cross references the requirements in the appendix. This will allow the requirement to be clear and enforceable. Therefore, this condition should be changed so that it either explicitly describes the compliance certification requirements, or cross references those requirements at Appendix TV-3.

4. *Section I, Facility Information* - The Facility Description portion of the permit indicates that the facility is a major source of HAPs. However, the permit does not specifically indicate the types of HAPs that will be emitted at this facility, or the potential to emit those pollutants. Further, although the permit indicates that the facility manufactures fiberglass parts and products, the types of products manufactured are not specified. A failure to include this information in the permit has caused confusion, and limits the permit's enforceability. The lack of information regarding the specific pollutants that are to be emitted from this facility, as well as their respective emission rates, makes it difficult to determine the applicability of Clean Air Act (the Act) requirements for this source, now and in the future. Furthermore, information concerning the specific products that are to be manufactured, and the processes used in their manufacture, is necessary for determining the emission rates of the regulated pollutants. The permit, or the Statement of Basis, should include a list of the specific pollutants that will be emitted at the facility and the potential to emit each pollutant, as well as a description of the processes and emission units that will result in those emissions.
5. *Emission Units & Conditions, Emission Limitations and Standards* - The Emission Limitations and Standards portion of the permit does not include a visible emission limit

for the regulated emission units. Rather, the visible emission limit for these emission units is only referenced in Condition A.4, of the Test Methods and Procedures portion of the permit, which states:

Each unit shall demonstrate compliance with its visible emission limit (see facility-wide condition number 3) in accordance with EPA Method 9 prior to permit expiration date.

Facility-wide condition number 3 of the permit contains the SIP's general visible emission standard, which sets a 20 percent opacity limit for emission units that are not otherwise subject to a specific visible emissions standard.

The visible emission limit for the regulated emission units should not be referenced at the Test Methods and Procedures part of the permit. As the Title suggests, the purpose of the Test Methods and Procedures part of the permit is to specify the test methods that are to be used, as well as the specific procedures that are to be followed, for demonstrating compliance with the emissions standards in the permit. The appropriate location for the visible emission standard is in the Emission Limitations and Standards part of the permit. Although it may be appropriate to locate the visible emissions limit at Facility-Wide Conditions part of the permit, and reference the limit at the Emission Limitations and Standards part, organizing the permit in this manner can be somewhat confusing. Therefore, in order to make the requirement clear, the opacity limit should be included in a condition at the Emission Limitations and Standards part of the permit.